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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 7 10 57 AM '08

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Samuel RUIZ-Ruiz,

Defendant

Magistrate Docket No. 08 MS 16057

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 6, 2008** within the Southern District of California, defendant, **Samuel RUIZ-Ruiz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

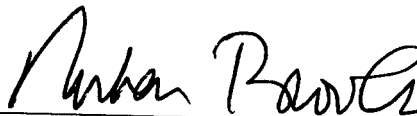
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF APRIL 2008



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

AUSA JS

CONTINUATION OF COMPLAINT:
Samuel RUIZ-Ruiz

PROBABLE CAUSE STATEMENT

On April 6, 2008, Border Patrol Agent S. Pair II was performing line watch duties in the Imperial Beach Area of Operations. At approximately 9:25 AM, Agent Pair saw three individuals running in an area known as "The Amsod Field." This area is approximately four miles west of the San Ysidro port of entry and approximately three quarters of a mile north of the U.S./Mexico international border.

When Agent Pair arrived to the area, he found the group of three individuals trying to conceal themselves in some thick brush. Agent Pair identified himself as a United States Border Patrol Agent and began to conduct an immigration inspection. Each individual, including one later identified as the defendant **Samuel RUIZ-Ruiz** admitted being citizens and nationals of Mexico, and they did not possess any proper documents that would allow them to enter or remain in the United States legally.

At approximately 9:30 AM Agent Pair placed each of the individuals under arrest and transported them to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 13, 2008 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.